

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

EARL DAVID METCALF,)
)
Plaintiff,)
)
v.) No.: 3:10-CV-444
) (VARLAN/SHIRLEY)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

ORDER

This Social Security appeal is before the Court on the Report and Recommendation entered by United States Magistrate Judge C. Clifford Shirley, Jr., on December 5, 2011 [Doc. 20]. There have been no timely objections to the Report and Recommendation and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). In the Report and Recommendation, the magistrate judge recommends that the plaintiff's motion for summary judgment [Doc. 14] be denied and that the Commissioner's motion for summary judgment [Doc. 18] be granted.

The Court has carefully reviewed this matter, including the underlying motions and the complaint. The Court is in agreement with the magistrate judge's recommendation, which the Court adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS IN WHOLE** the Report and Recommendation [Doc. 20]. Additionally, it is hereby

ORDERED that Plaintiff's Motion for Summary Judgment [Doc. 14] is **DENIED** and the Commissioner's Motion for Summary Judgment [Doc. 18] is **GRANTED**. The Commissioner's decision in this case denying plaintiff's application for disability, disability insurance benefits, and supplemental security income is **AFFIRMED**. This case is **DISMISSED**, and the Clerk of Court is **DIRECTED** to close this case.

IT IS SO ORDERED.

s/ Thomas A. Varlan

UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT

s/ Debra C. Poplin

CLERK OF COURT